

### **REMARKS**

In the Office Action, dated September 20, 2004, the Examiner has rejected claims 1-9, 16-27 and 34-41, and has objected to claims 10-15 and 28-33. By the present amendment, claims 1, 2, 4-5, 10-16, 19-20, 22-23 and 28-34 have been amended. After the present amendment, claims 1-41 are pending in the application. Reconsideration and allowance of pending claims 1-41 in view of the following remarks are respectfully requested.

#### **A. Objection to Claim 2**

The Examiner has objected to claim 2 stating that “pitched-enhanced signal” should read --pitch-enhanced signal--. By this amendment, applicant has amended claim 2 accordingly, and respectfully submits that the Examiner’s objection has been overcome.

#### **B. Rejection of Claims 5, 22 and 23 under 35 USC § 112, ¶ 2**

The Examiner has rejected claims 5, 22 and 23 under 35 USC § 112, ¶ 2, for insufficient antecedent basis. By this amendment, applicant has amended claim 5 to depend from claim 2, and claims 22 and 23 to depend from claim 20 to overcome the Examiner’s rejection.

#### **C. Rejection of Claims 1-6, 16-24 and 34-41 under 35 U.S.C. § 102(b)**

The Examiner has rejected claims 1-6, 16-24 and 34-41 under 35 U.S.C. § 102(b), as being anticipated by Swaminatham, et al. (USPN 5,596,676) (“Swaminatham”).

The Examiner has rejected claim 1 stating that Swaminatham discloses “Applying a pitch enhancement in response to the pitch enhancement coefficient and the selected fixed

subcodebook, wherein the pitch enhancement coefficient is dependent on the selected fixed subcodebook” (emphasis added.) In support of this assertion, the Examiner cites col. 21, lines 18-48 of Swaminatham to the effect that “scaling a fixed codebook vector by a gain factor that is selected based on the gain index for a particular subframe.” Applicant respectfully disagrees; however, in order to expedite the prosecution of the present application, applicant has amended claim 1 to clarify the invention of claim 1, as follows: “calculating a pitch enhancement coefficient based on the one of the at least two fixed subcodebooks, wherein the pitch enhancement coefficient is calculated using a different formula for each of the at least two fixed subcodebooks.” The support for this amendment may be found, for example, at page 21, where the detailed description of the patent application and Table 1 disclose a different formula for each of the at least two fixed subcodebooks.

Applicant respectfully submits that Swaminatham fails to disclose, teach or suggest that the pitch enhancement coefficient is calculated based on the selected fixed subcodebook, where a different formula is used for calculating the pitch enhancement coefficient for each of the at least two fixed subcodebooks. This feature of the present invention is technically superior to prior art schemes and that of Swaminatham, because it increases excitation density.

Accordingly, applicant respectfully submits that claim 1 and its dependent claims 2-6 and 16-18 are now in condition for allowance.

Furthermore, independent claim 19 has been amended similar to claim 1. For the reasons stated above, applicant respectfully submits that claim 19 and its dependent claims 20-24 and 34-41 are also now in condition for allowance.

**D. Rejection of Claims 7-9 and 25-27 under 35 U.S.C. § 103(a)**

The Examiner has rejected claims 7-9 and 25-27 under 35 U.S.C. § 103(a), as being unpatentable over Swaminatham in view of Yeldener, et al. (USPN 5,774,837) ("Yeldener").

Applicant respectfully submits that claims 7-9 and 25-27 depend from claims 1 and 19, respectively. Accordingly, at least for the same reasons stated above, claims 7-9 and 25-27 should also be allowed.

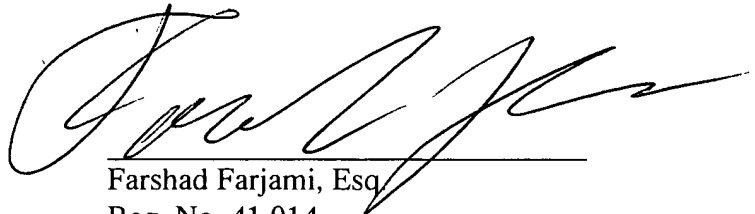
**E. Allowable Claims 10-15 and 28-33**

The Examiner has objected to claims 10-15 and 28-33 as being dependent upon a rejected base claim, and that they would be allowable if rewritten in independent form. In response, applicant has amended claim 10 to include all of the limitations of claims 8, 7 and 1, with a few changes shown above, and has amended claim 28 to include all of the limitations of claims 26, 25 and 19, with a few changes shown above. Accordingly, applicant respectfully submits that claims 10 and 28, and their respective dependent claims 11-15 and 29-33 are now in condition for allowance.

F. Conclusion

For all the foregoing reasons, an early allowance of claims 1-41 pending in the present application is respectfully requested. The Examiner is invited to contact the undersigned for any questions.

Respectfully Submitted;  
FARJAMI & FARJAMI LLP



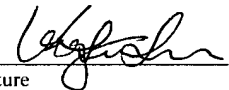
Farshad Farjami, Esq.  
Reg. No. 41,014

FARJAMI & FARJAMI LLP  
26522 La Alameda Ave., Suite 360  
Mission Viejo, California 92691  
Telephone: (949) 282-1000  
Facsimile: (949) 282-1002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "First Class Mail Post Office to addressee" under 37 C.F.R. Sec. 1.10 addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on 10/6/04.

LESLEY L. LAM  
Name

  
Signature